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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 July 2004

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Summary record of the 5th meeting
Held at Headquarters, New York, on Wednesday, 28 April 2004, at 10 a.m.

Chairman: Mr. Parnohadiningrat ..... (Indonesia)

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The meeting was called to order at 10.20 a.m.

General debate on issues related to all aspects of the work of the Preparatory Committee (*continued*)

1. **Mr. Sharma** (Nepal), having associated himself with the statement by Malaysia on behalf of the member States of the Non-Aligned Movement that were parties to the Non-Proliferation Treaty, said that the preparatory process for the 2005 Review Conference should be used to advance the objectives of nuclear disarmament, non-proliferation and peaceful uses of nuclear energy. Despite progress made towards nuclear disarmament, problems remained: nuclear-weapon States were not meeting their commitments, the Comprehensive Nuclear-Test-Ban Treaty (CTBT) was not yet in force, the 13 practical steps for nuclear disarmament had not been implemented, new States had acquired nuclear weapons, some bilateral agreements had been abrogated, multilateral disarmament forums were deadlocked and the process of nuclear disarmament as a whole had stalled.

2. Nuclear disarmament, the key objective of the Treaty ensuring international peace and security, had been neglected, prompting proliferation based on the perception that nuclear weapons offered an effective deterrent. The nuclear-weapon States had continued to develop their nuclear capabilities and had not provided credible assurances that they would not use or threaten to use nuclear weapons against non-nuclear-weapon States. They had also stressed non-proliferation but not disarmament, no doubt partly because of the new threat of non-State actors, particularly terrorists, acquiring nuclear weapons and technology. As a result, however, more States had been tempted or felt obliged to pursue nuclear-weapon programmes.

3. His delegation remained fully committed to the Non-Proliferation Treaty and urged all States to adhere to it. More importantly, nuclear-weapon States must reduce and eventually eliminate their arsenals. As a first step towards effective non-proliferation, the non-nuclear-weapon States should enjoy irrevocable guarantees against the use or threat of use of nuclear weapons, in the form of a universal, unconditional and legally binding instrument on security assurances. The establishment of nuclear-weapon-free zones was also an effective tool, and he supported all such regional efforts including Mongolia's nuclear-weapon-free status.

4. As further steps towards nuclear disarmament, he called for universal ratification and implementation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and for the negotiation of a fissile material cut-off treaty. The IAEA safeguards system must also be strengthened in order to reinforce the verification mechanism for the international non-proliferation regime. Outer space should remain free of weapons, and cooperation should be promoted for the peaceful uses of nuclear energy.

5. His delegation was gravely concerned that the commitment made by world leaders at the Millennium Summit to eliminating weapons of mass destruction, in particular, nuclear weapons, had not been met. He therefore supported the holding of an international conference to consider ways and means to eliminate all nuclear weapons within an agreed timeline. The Preparatory Committee must prepare a consensus report for the 2005 Review Conference and reach agreement on proposals under article VI on nuclear non-proliferation and disarmament. Only the sincere and balanced implementation of the Non-Proliferation Treaty and the 13 practical steps by all sides could eliminate the nuclear threat and help usher in a new era of sustainable peace and security.

6. **Mr. Labbé** (Chile) stressed the importance of the non-proliferation regime, including its cornerstone, the Nuclear Non-Proliferation Treaty, article VI of which held out the promise of a world free of nuclear weapons. The Treaty also recognized the inalienable right of all States to benefit from the peaceful uses of nuclear energy. In the current context, with the risk of the illicit use of nuclear devices by non-State entities, the multilateral non-proliferation system must be revitalized, and effective multilateral tools must be developed.

7. There had recently been at least three cases of nuclear proliferation or the threat thereof. Those cases had had a positive outcome to the extent that monitoring of nuclear programmes had been strengthened and that those involved had provided satisfactory assurances to the International Atomic Energy Agency (IAEA) and the Security Council. They had, however, also underscored the importance of verification mechanisms and the need to make the Additional Protocol on safeguards universal, in order to provide IAEA with appropriate tools to undertake more thorough and effective inspections. That Protocol must be prioritized in the final document of the 2005

Review Conference. His Government had implemented that mechanism, willingly giving up its sovereignty in that regard in exchange for making a contribution to international security and to progress towards zero tolerance of proliferation.

8. He stressed that the principles and expectations which had led to the negotiation and indefinite extension of the Non-Proliferation Treaty remained valid, and his delegation remained convinced that a multilateral approach was ideally suited to ensuring the success of the international community's collective efforts. Although the threat of a nuclear holocaust had receded as a result of dialogue among the major nuclear Powers, leading to a reduction in the number of nuclear weapons, and commitment to trade and interdependency rather than confrontation, transnational terrorism had revealed the fragile nature of the new order and the need to protect it without sacrificing democracy, human rights, free trade and the peaceful uses of technology.

9. The greatest challenge facing the international community was how to effectively combat new threats without affecting multilateralism or the Non-Proliferation Treaty. The Final Document of the 2000 Review Conference continued to be an important landmark in a dynamic process which must be brought to a successful conclusion. The three pillars of the Treaty — non-proliferation, disarmament and peaceful use of nuclear energy — must be made sufficiently strong to meet the challenges posed by current realities.

10. The 2005 Review Conference would provide an opportunity to demonstrate the political will to reaffirm the legitimacy of the Non-Proliferation Treaty. In that context, he recalled the special responsibilities of the nuclear-weapon States, including the implementation of article VI, which was of vital interest to the entire community of nations. The Treaty was one of a series of instruments, including the Comprehensive Test-Ban Treaty, a fissile material cut-off treaty and agreements establishing the various nuclear-weapon-free zones, including the zone created by the Treaty of Tlatelolco, recently ratified by Cuba. His delegation supported the call by the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) for the convening of a conference of nuclear-weapon-free zones, which would highlight the role of the latter in promoting nuclear disarmament.

11. Other multilateral agreements such as those concerning disarmament and arms control likewise contributed to the overall objectives of non-proliferation and disarmament. The most recent such instrument, The Hague International Code of Conduct against Ballistic Missile Proliferation, had already received widespread support, in particular from the countries of the Non-Aligned Movement. As current Chair of The Hague Code, Chile called for universal ratification of that instrument. Lastly, the Conference on Disarmament, immobilized by the consensus rule and the pernicious practice of linkages, should renew its efforts as soon as possible.

12. **Ms. Martinic** (Argentina) said that her Government was committed to the Non-Proliferation Treaty and effective multilateralism in accordance with international law. The near-universality of the Treaty demonstrated the importance placed by the international community on the issues of disarmament and non-proliferation. The Final Document of the 2000 Review Conference had urged all States outside the Treaty to accede to it, given its importance to international peace and security. Those States had a moral obligation to observe the limits imposed by the Treaty framework even if they did not accede to it.

13. The commitment of States parties to disarmament should be put into action. The five nuclear Powers had not fully met their responsibilities under the Treaty to eliminate their nuclear arsenals, as outlined in the 13 practical steps towards nuclear disarmament, which had been agreed at the 2000 Review Conference. The nuclear-weapon States must implement those steps in order to retain political support for the Treaty, and their national reports were a step in the right direction. The adoption of a fissile material cut-off treaty would help to reduce the threat of weapons of mass destruction falling into the hands of terrorists. An international instrument on radiological weapons was also needed. Her Government placed priority on peaceful uses of nuclear energy as a means of raising the quality of life and promoting sustainable development. Those aspects of the Treaty regime should be developed further.

14. **Mr. Al-Khasawneh** (Jordan) said that his delegation associated itself with the statement by Egypt on behalf of the Group of Arab States and the statement by Malaysia on behalf of the member States of the Non-Aligned Movement that were parties to the NPT. Jordan was fully committed to all disarmament efforts and had ratified all the relevant international

instruments. Like the other Arab countries, his Government had approved the indefinite extension of the Treaty on the understanding that a resolution to make the Middle East a nuclear-weapon-free zone would be an integral part of the Treaty regime. Such a resolution should be given the attention needed during the current session of the Preparatory Committee in order to be able to make useful recommendations to the 2005 Review Conference. All States parties should insist that Israel accede to the Treaty and place its nuclear weapons under IAEA safeguards.

15. **Mr. Ben Youssef** (Tunisia), having associated himself with the statement by Malaysia on behalf of the member States of the Non-Aligned Movement that were parties to the Non-Proliferation Treaty, as well as the statement made by Egypt on behalf of the Group of Arab States, said that the Non-Proliferation Treaty remained the cornerstone of the international non-proliferation regime and the basis for nuclear disarmament. The fact that 188 States were currently parties to the Treaty testified to the international community's desire to deal with the threat posed by nuclear proliferation and the nuclear arms race in a general effort to ban those fearful weapons.

16. Regrettably, there had been little progress towards real nuclear non-proliferation and disarmament, including implementation of article VI relating to nuclear and general and complete disarmament under strict and effective international control. Until that objective was realized, effective guarantees must be provided against the use or threat of the use of nuclear weapons against the security and integrity of countries which had voluntarily renounced nuclear weapons. In that regard, he stressed the particular obligations of nuclear-weapon States set out in the Treaty, in particular article VI.

17. The Comprehensive Nuclear-Test-Ban Treaty should enter into force as soon possible, and he expressed concern that certain nuclear States had not ratified that Treaty. A fissile material cut-off treaty would make a major contribution to the rapid elimination of nuclear weapons; unfortunately, such a treaty was not yet even under negotiation. It was also important that all States work to achieve universal ratification of the Non-Proliferation Treaty with a view to strengthening security in troubled regions such as the Middle East.

18. Israel was the only Middle Eastern State which had not acceded to the Non-Proliferation Treaty and refused to place its nuclear facilities under IAEA safeguards. Despite the clear desire of the States of the region to establish a nuclear-weapon-free zone Israel alone still possessed nuclear weapons, which constituted an obstacle to disarmament in general and to lasting peace in the region. The Non-Proliferation Treaty provided an opportunity to achieve the objective of the total elimination of nuclear weapons and abandonment of the doctrine of nuclear deterrence. The international community should seize that opportunity in order to leave future generations a safer world based on cooperation and not confrontation.

19. **Ms. Rastovac** (Serbia and Montenegro) said that her delegation fully subscribed to the statement by Ireland on behalf of the European Union. Her Government supported all efforts aimed at eliminating weapons of mass destruction, particularly nuclear weapons, and attached great importance to the universality of and full compliance with the Treaty. It also supported the activities of IAEA and its safeguards regime, which should be further strengthened. Serbia and Montenegro had renewed its safeguards agreement and had also signed a Framework Agreement on Technical Cooperation with IAEA. It favoured the efforts to provide the Agency with the necessary funding to fulfil its mandate.

20. The Agency's efforts to strengthen international cooperation in the management and transport of nuclear waste were of particular importance, and, since her country, along with many others, was facing problems in that area, it believed that States should be assisted in finding long-term solutions. Serbia and Montenegro supported the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the conclusion of a fissile material cut-off treaty. It had also acceded to the International Code of Conduct against Ballistic Missile Proliferation and had recently committed itself to honour the provisions of the Missile Technology Control Regime.

21. **Mr. Choisuren** (Mongolia) said that, at the 2000 Review Conference, the nuclear-weapon States had agreed to unequivocal undertakings to accomplish the total elimination of their nuclear arsenals. Instead, there had been a slow but definite retreat from nuclear disarmament, which had become a source of great concern. Those developments called for a redoubling of efforts to find common ground and approaches to

the problem. Accession to the NPT by all States possessing nuclear capabilities and the placing of their nuclear facilities under IAEA safeguards were essential to the universality of the Treaty. His delegation would also like to see the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

22. Mongolia firmly believed that the establishment of nuclear-weapon-free zones had a positive impact on regional security and stability. Over ten years earlier, it had declared itself a nuclear-weapon-free State, and was in consultation with its partners on ways to institutionalize that status internationally. It supported the initiative to convene an international conference of the States parties to the five treaties establishing nuclear-weapon-free zones to foster mutual cooperation in their implementation. His country reaffirmed its support for the establishment of such a zone in the Middle East and for the decision of the five Central Asian States to sign a nuclear-weapon-free zone treaty.

23. Mongolia attached great importance to multilateralism in the area of disarmament and non-proliferation and shared the growing frustration over the continued deadlock in the work of the Conference on Disarmament and the inability of the Disarmament Commission to reach consensus on substantive agenda items. The Preparatory Committee was to make recommendations on the issue of legally binding security assurances to non-nuclear-weapon States to the 2005 Review Conference, a matter that was worth giving some serious consideration. The success of the Committee's work depended on the perseverance and political will of all parties to reach a consensus.

24. **Mr. Al-Sudairy** (Saudi Arabia) said that his Government attached great importance to the establishment of a nuclear-weapon-free zone in the Middle East and had submitted a report on that topic to the Conference on Disarmament in 2003 based on the Final Document of the 2000 Review Conference. The General Assembly had reached consensus on that issue many years earlier, at its thirty-fifth session, and the Council of the League of Arab States supported that action as well. Israel's nuclear weapons posed a major obstacle to peace and security in the region, and their attempts to justify those weapons contradicted their claims to desire peace. Real peace and security should be built on confidence between the States of the region, not on a desire for hegemony.

25. Saudi Arabia congratulated the Libyan Arab Jamahiriya for its decision to renounce voluntarily its weapons of mass destruction and to place its nuclear programme under IAEA safeguards. The Islamic Republic of Iran must also continue its constructive cooperation with IAEA, as a positive step towards peace and stability in the region. The concerns of non-nuclear-weapon States must be taken seriously, and a legally binding instrument to guarantee their safety was needed.

26. **Mr. Toktomushev** (Kyrgyzstan) said that, although the Final Document of the 2000 Review Conference had laid out pragmatic, forward-looking objectives for the non-proliferation regime, it must be acknowledged that participants' initially high expectations had been, at best, only partially fulfilled. The Conference on Disarmament remained stalled, little progress had been made towards bringing the Comprehensive Nuclear-Test-Ban Treaty into force, the Anti-Ballistic Missile Treaty (ABM) had been repudiated, and there had been no visible progress in negotiating a fissile material cut-off treaty. Indeed, if anything, nuclear weapons had acquired a greater role in the security policies of some nuclear-weapon States. Although the Moscow Treaty represented some progress towards reducing strategic nuclear weapons, it did not address the threat of serious proliferation and nuclear terrorism posed by non-strategic nuclear weapons.

27. One positive development had been the establishment of nuclear-weapon-free zones in Africa and Southeast Asia. Such zones now covered nearly the entire southern hemisphere, as well as Antarctica, the seabed, and outer space. As they had expanded geographically, they had also become stronger instruments of non-proliferation. Kyrgyzstan was pleased to note the significant and continuing progress recently achieved towards the establishment of a nuclear-weapon-free zone in Central Asia.

28. In the aftermath of the terrorist attacks of 11 September 2001, all Member States recognized the importance of taking effective measures to prevent the possible terrorist acquisition and use of weapons of mass destruction. In that regard, Kyrgyzstan strongly endorsed the efforts of the International Atomic Energy Agency (IAEA) to enhance the international safeguards system, and supported the ongoing efforts to strengthen the Convention on the Physical Protection of Nuclear Material. Reducing terrorist threats required strict

procedures for the safe handling, transport, storage and disposal of sensitive nuclear material. The Committee's third session should therefore consider taking new steps to reinforce export controls and help combat illicit trafficking in nuclear materials.

29. There had been certain exceptional instances in which serious environmental consequences had resulted from uranium mining and associated nuclear-fuel-cycle activities in the production of nuclear weapons. Kyrgyzstan would like to reiterate the call made at the 2000 Review Conference for all Governments and international organizations with expertise in the clean-up and disposal of radioactive contaminants to consider giving appropriate assistance. It would also like to draw attention to the important role played by education as a disarmament and non-proliferation tool, and would urge the Committee to give priority attention to that area. In conclusion, he noted that non-State actors and nation States alike posed serious proliferation threats. The fabric of non-proliferation agreements was frayed, and might well unravel. Non-proliferation strategies and tactics must take account of those new realities.

30. **Mr. Manis** (Sudan) said that implementation of the Non-Proliferation Treaty continued to face challenges. First, the nuclear-weapon States must commit themselves to that task if the Treaty were not to deteriorate into a discriminatory agreement that divided the world into those States that had nuclear weapons and those that did not. His delegation welcomed the courageous actions recently taken by the Libyan Arab Jamahiriya and urged all nuclear-weapon States to follow its example and fully implement the provisions of the 1995 Review Conference and the 13 practical steps adopted at the 2000 Conference, through well-defined programmes, and in accordance with article VI of the Treaty.

31. Universality was another critical issue, especially in regard to the matter of priorities. Israel represented a significant stumbling-block in efforts to create a nuclear-weapons-free zone in the Middle East because it still refused to accede to the Treaty or open its nuclear facilities to IAEA inspections, despite the recommendations made at the 1995 Review Conference and the 2000 Conference emphasizing the importance for States in the region to accede to the Treaty. Although his delegation appreciated the efforts by multilateral bodies in the area of nuclear disarmament, the progress achieved was very meagre, and the relevant international instruments continued to go unheeded. All States — especially nuclear-weapon States — should show determination to implement the texts agreed upon so that the world might live without the threat of nuclear weapons, especially in view of concerns that such weapons might fall into the hands of terrorist groups.

32. **Mr. Ndekhedehe** (Nigeria) said that his delegation wished to associate itself with the statement made by Malaysia on behalf of the member States of the Non-Aligned Movement that were parties to the Non-Proliferation Treaty. It was regrettable that the Treaty had been continuously weakened by misconceptions and non-compliance. The actions and statements of States parties appeared to reflect a misconception that the obligation to abide by the Treaty rested solely with non-nuclear-weapon States, and particularly developing countries. In attempting to shift the responsibility to developing States, nuclear-weapon States ignored their commitments under article VI of the Treaty. Similarly, the mistaken impression often created was that the Moscow Treaty and the moratorium on nuclear testing had sufficiently resolved the problem of nuclear disarmament. Implementation of the Treaty was the responsibility of all States parties, and the best way to strengthen the non-proliferation regime was compliance by all States parties.

33. His delegation wished to express its strong support for the Comprehensive Nuclear-Test-Ban Treaty and underscore the importance and urgency of its entry into force. It therefore urged those States whose ratification was necessary for the Treaty's entry into force to proceed with ratification as soon as possible. A number of States had acquired the technology to produce fissile materials and nuclear explosive devices. It was therefore important to commence negotiations on a non-discriminatory, multilateral and verifiable treaty banning the production of such materials and devices. In that regard, his delegation wished to reaffirm its belief in the inalienable right of States parties to develop, produce and use nuclear energy for peaceful purposes.

34. Nuclear-weapon-free zones played a key role in the maintenance of global peace and security. His delegation therefore wished to stress the need to consolidate existing zones and establish new ones. It was to be hoped that the African Nuclear-Weapon-Free-Zone Treaty would be ratified by the required

number of States so that it could enter into force as soon as possible. His delegation also wished to reaffirm its support for the establishment of a Middle East zone, and urged all States in the region, without exception, to accede to the Treaty. It attached great importance to General Assembly resolution 58/40 on the prohibition of the dumping of radioactive wastes and called on States to take the appropriate measures.

35. **Mr. Gallegos Chiriboga** (Ecuador) said that his delegation wished to associate itself with the statement made by Malaysia on behalf of the member States of the Non-Aligned Movement that were parties to the Non-Proliferation Treaty. The Preparatory Committee should not limit itself to procedural matters, but should address substantive Treaty implementation issues. In particular, nuclear-weapon States should inform the Committee of progress achieved in dismantling and eliminating their nuclear arsenals. Universal accession to the Treaty was indispensable, and those States that had not yet acceded should do so without delay.

36. His delegation was very concerned at the slow progress made in recent years to reduce nuclear arsenals. Nuclear-weapons States should increase their commitment to meeting their obligations under article VI of the Treaty. It deplored the decision of some States to develop new types of tactical nuclear weapons, and reaffirmed the right of all States to develop and use nuclear energy for peaceful purposes. Ecuador also wished to stress the importance of creating nuclear-weapon-free zones such as that created in South America by the Tlatelolco Treaty. With respect to the establishment of a Middle East zone, it urged the only State in the region that had not acceded to the Treaty to do so.

37. It was essential that nuclear-weapon States provide the necessary guarantees that they would neither use nor threaten to use nuclear weapons against other States located in such zones, and that the moratorium on nuclear testing should be maintained. Furthermore, continued efforts should be made to achieve greater security in the transport of radioactive materials. His delegation shared the concerns of other delegations regarding the possibility that weapons of mass destruction might fall into the hands of terrorists. The peaceful use of outer space was another of his delegation's major concerns, and it wished therefore to draw the Committee's renewed attention to the relevant resolutions of the General Assembly. Non-proliferation and disarmament were closely interrelated and interdependent processes. The intention of certain States to apply the provisions of the Treaty on a selective basis was therefore incompatible with the integrity and sustainability of the non-proliferation regime, and with the fundamental goal of maintaining international peace and security.

The meeting rose at noon.